

THE LAW OFFICES OF
BENJAMIN PAVONE, PC

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STATE BAR NUMBER 181826
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ATTORNEY FOR FRIENDS & FAMILY
OF DEFENDANT KARIN BAMESBERGER

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

FRANK JAVIER ROCHA;
KARIN BAMESBERGER;
MICHAEL HENRY MORENO;

DEFENDANTS.

CASE NO.: 13-MJ-1856-NLS-2

JUDGE: Hon. Nita L. Stormes

**REQUEST FOR
SPECIAL NOTICE**

1 **TO THE HONORABLE NITA L. STORMES,**
 2 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT,**
 3 **AND TO PROSECUTION AND DEFENSE COUNSEL, RESPECTFULLY:**

4 On behalf of friends and family of defendant Karin Bamesberger, Attorney
 5 Benjamin Pavone requests the Court to add counsel's name to the list of interested
 6 persons on the docket to be served electronically with pleadings and documents
 7 entered thereto, pursuant to this Special Notice. *Press-Enterprise v. Superior Court*
 8 (*Press Enterprise II*), 478 U.S. 1, 13 (1986); Cf. Bankruptcy Rule 2002.

9 Counsel understands that the public may be denied access to certain aspects of
 10 the case. *Press-Enterprise v. Superior Court of California (Press Enterprise I)*, 464
 11 U.S. 501, 509 (1984). However, such circumstances are expected to be "rare and only
 12 for cause shown." *Id.*, at p. 509. Members of the public have a qualified right to be
 13 heard. *Phoenix Newspapers v. U.S. District Court*, 156 F.3d 940, 949 (9th Cir. 1998).
 14 Given this, members of the public such as Karin's friends and family, holding a
 15 distinct and naturally greater interest in the proceedings, and organized to collectively
 16 attempt a level of salvation for her life given the gravity of the charges, also logically
 17 enjoy such a right, limited in scope, and to be voiced at an appropriate time and in a
 18 respectful manner. Cf. *Phoenix Newspapers*, 156 F.3d 940, 949 [affording right of
 19 press and public to object to closure of certain proceedings].

20 "The value of openness lies in the fact that people not actually attending trials
 21 can have confidence that standards of fairness are being observed; the sure
 22 knowledge that anyone is free to attend gives assurance that established procedures
 23 are being followed and that deviations will become known. Openness thus enhances
 24 both the basic fairness of the criminal trial and the appearance of fairness so essential
 25 to public confidence in the system." *Press-Enterprise I*, 464 U.S. 501, 508 [reiterated
 26 in *Press Enterprise II*, 478 U.S. 1, 13 (1986)].

27 "In earlier times, both in England and America, attendance at court was a
 28 common mode of 'passing the time' ... with the press, cinema, and *electronic media*

1 now supplying the representations or reality of the real life drama once available only
2 in the courtroom, attendance at court is no longer a widespread pastime. Yet it is not
3 unrealistic even in this day to believe that public inclusion affords citizens a form of
4 legal education and hopefully promotes confidence in the fair administration of
5 justice.” *Richmond Newspapers v. Virginia*, 448 U.S. 555, 572 (1980) [internal
6 citations omitted, italics added].

7 For all of these reasons, amicus to Ms. Bamesberger respectfully requests the
8 Court to add counsel’s name to the electronic docket in this matter, such that they
9 may stay abreast of the case and participate in a meaningful manner where
10 appropriate. *Bounds v. Smith*, 430 U.S. 817, 821-822 (1977); *Matthews v. Eldridge*,
11 424 U.S. 319, 344 (1976); *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

12
13
14 Date: May 13, 2013

LAW OFFICES OF
BENJAMIN PAVONE, PC

\s\Benjamin Pavone

Benjamin Pavone, Esq.
Attorney for Friends and
Family of Karin Bamesberger

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

KARIN BAMESBERGER, et al.

CASE NO. 13-MJ-1856-NLS-2

PROOF OF SERVICE

My business address is 7676 Hazard Center Dr., 5th Floor, San Diego, CA 92108.
The following was served on May 13, 2013:

* Request for Special Notice

United States Attorney General's Office
Criminal Division
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Room 6293
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(Via the Court's ECF electronic service system)

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(Via the Court's ECF electronic service system)

I declare under the laws of the State of California under penalty of perjury that the foregoing is true and correct. Executed at San Diego, California.

Date: May 13, 2013

\s\Benjamin Pavone